

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 12, 2002

ONE HUNDRED FIFTIETH SESSION DAY

FOUR HUNDRED THIRTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 12, 2002

The Assembly met at 11 a.m.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Pescetti moved a quorum call of the Assembly.
Motion carried. Time, 11:01 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 11:02 a.m., Speaker pro Tempore Keeley declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—73:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Bogh	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wiggins
Chan	Jackson	Negrete McLeod	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	
Cox	Leonard	Richman	

PRAYER

Upon invitation of Speaker pro Tempore Keeley the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

O God in Heaven, Help us to know one another better, and to live as brothers and sisters, children of the same Father. Reveal to us also your beauty, holiness and purity. Awaken in our hearts love and gratitude for your infinite goodness. Lord, join us all together in Your love, and give us your heavenly peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Chu then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cox.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Briggs, Calderon, and Shelley.

On personal business, and waiving per diem: Assembly Member Hertzberg.

Because of illness: Assembly Members Horton and Oropeza.

Because of illness in his family: Assembly Member Cedillo.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 30, 2002

The Honorable Herb Wesson

Speaker, California State Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in session on Tuesday, February 12, 2001. I will be attending legislative business in my district.

Thank you for your assistance with this matter. Please feel free to contact Amy Krause in my Capitol Office if you have any questions.

Sincerely,

MIKE BRIGGS, Assembly Member
Twenty-ninth District

February 12, 2002

The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker: I am writing to request to be excused from Session today, February 12, 2002 due to legislative business in my district office.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

February 7, 2002

The Honorable Herb Wesson
Speaker, California State Assembly
State Capitol Building, Room 219
Sacramento, California

Dear Speaker Wesson,

I respectfully request permission to be excused from Session on Tuesday, February 12, 2002, as I will be presenting a resolution at the Chinese New Year Luncheon.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 12, 2002

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Rebecca Cohn to replace Speaker Herb Wesson on the Assembly Health Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

Senate Rules Committee
February 6, 2002

*The Honorable John Vasconcellos, Co-Chair
Joint Committee on Preparing California
for the 21st Century
State Capitol, Room 5108
Sacramento, California*

Dear Senator Vasconcellos: In response to your request, the Senate Rules Committee has appointed Senators Johnson and Perata as members of the Joint Committee on Preparing California for the 21st Century to fill two existing vacancies.

Sincerely,

JOHN L. BURTON
Chairman

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Appropriations on February 15, 2002, upon adjournment of Floor session;

Joint Legislative Audit Committee on February 19, 2002, at 3 p.m., in Room 126;

Select Committee on Privacy, on February 19, 2002, at 2:30 p.m.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1923—Dickerson. An act to amend Section 101.7 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 1924—Strickland. An act to amend Section 76375 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 1925—Nakano. An act relating to water.

ASSEMBLY BILL NO. 1926—Horton (Principal coauthor: Robert Pacheco) (Principal coauthor: Senator Polanco) (Coauthors: Aroner, Bill Campbell, Cedillo, Chu, Correa, Cox, Diaz, Koretz, Longville, Nakano, Oropeza, and Runner) (Coauthors: Senators Knight, Kuehl, Murray, Ortiz, Scott, and Speier). An act to amend Section 12956.1 of the Government Code, relating to discrimination.

ASSEMBLY BILL NO. 1927—Kehoe. An act to add Title 6.8 (commencing with Section 64100) to the Government Code, relating to financing a program to address infrastructure needs, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1928—Jackson. An act to add Section 52.4 to the Civil Code, relating to gender violence.

ASSEMBLY BILL NO. 1929—Runner. An act to amend Section 103025 of the Health and Safety Code, relating to fetal death.

ASSEMBLY BILL NO. 1930—Wyland. An act to amend Section 47607 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1931—Hollingsworth. An act to add Chapter 10.7 (commencing with Section 2870) to Division 3 of the Fish and Game Code, relating to natural community conservation planning, and making an appropriation therefor.

ASSEMBLY BILL NO. 1932—Horton. An act to amend Section 2707.5 of the Unemployment Insurance Code, relating to unemployment insurance.

ASSEMBLY BILL NO. 1933—Reyes and Cohn (Coauthor: Longville). An act to add Section 52.4 to the Civil Code, relating to gender-related violence.

ASSEMBLY BILL NO. 1934—Corbett. An act to add Section 7910 to the Public Utilities Code, relating to telephone corporations.

ASSEMBLY BILL NO. 1935—Cohn. An act to amend Section 4022 of the Public Resources Code, relating to forestry.

ASSEMBLY BILL NO. 1936—Horton. An act to amend Sections 7403.2, 7651, 7652.5, 7652.7, 8752, 30181, 30182, 30183, 30186, 30187, 30188, 32251, 40061, 40063, 41052, 43151, 43152.6, 43152.7, 43152.9, 43152.13, 43152.14, 45151, 46151, 50109, 60107, 60201, 60202, 60204, 60205, 60205.5, of, and to add Sections 8763, 30193, 32263, 40069, 41063, 43173, 45163, 46163, 50112.10, 55040, 60505.5 to, the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1937—Dutra. An act to add Article 9 (commencing with Section 99420) to Chapter 4 of Part 11 of Division 10 of the Public Utilities Code, relating to transportation.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
1836 -----	L. Gov.
1851 -----	L. Gov.
1852 -----	L. Gov.
1872 -----	Jud.
1873 -----	Pub. S.
1874 -----	Ins.
1875 -----	B. & F.
1876 -----	B. & F.
1877 -----	Pub. S.
1878 -----	Nat. Res.
1879 -----	Ed.
1880 -----	Agri.
1882 -----	Nat. Res.
1885 -----	Rev. & Tax.
1887 -----	Rev. & Tax.
1888 -----	Ed.
1891 -----	H. & C.D.
1893 -----	B. & F.
1894 -----	Higher Ed.
1895 -----	Ed.
1896 -----	Health
1897 -----	Rev. & Tax.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
148 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
33 -----	J., E.D. & E.

<i>House</i>	
<i>Resolution No.</i>	<i>Committee</i>
38 -----	Rls.

<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
17 -----	B. & P. and Jud.
319 -----	Ed.
362 -----	P.E., R. & S.S.
595 -----	Rev. & Tax.
811 -----	Ed.

AUTHOR'S AMENDMENTS
Committee on Education

February 12, 2002

Mr. Speaker: The Chair of your Committee on Education reports:

Senate Bill No. 230

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STROM-MARTIN, Chairwoman

SENATE BILL NO. 230—An act to amend Section 46201 of, and to repeal Section 46202 of, the Education Code, relating to school finance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Appropriations

February 12, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 167

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

SENATE BILL NO. 167—An act to add Section 14085.58 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

RECESS

By unanimous consent, at 11:12 a.m., Speaker pro Tempore Keeley declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Reyes introduced Barbara Miller and presented a resolution to her congratulating her selection as the School Nurse of the Year by the California School Nurses Organization. Ms. Miller was accompanied by her husband Dwight Miller who was also introduced.

RECONVENED

At 11:14 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Koretz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Scott Forbes, of West Hollywood.

(Assembly Rule 45.5 suspended.)

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kathleen Green, of Davis.

(Assembly Rule 45.5 suspended.)

Assembly Member Wyman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Henry Schramm, of Tehachapi.

(Assembly Rule 45.5 suspended.)

REQUEST FOR PHOTOGRAPHER

Assembly Member Thomson was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: February 12, 2002

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 38

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered to third reading.

HOUSE RESOLUTION NO. 38 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Chu was granted unanimous consent to take up House Resolution No. 38, without reference to file.

HOUSE RESOLUTION NO. 38—Relative to Lunar New Year Celebration.

Resolution read.

Members Made Coauthors of House Resolution No. 38

Assembly Member Chu was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 38.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aanestad, Alquist, Bates, Bogh, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chavez, Cogdill, Cohn, Corbett, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leonard, Leslie, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nation, Negrete McLeod, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel.

Request for Unanimous Consent

Assembly Member Chu was granted unanimous consent to take up House Resolution No. 38, as amended, without reference to print or file.

Consideration of House Resolution No. 38, as Amended

HOUSE RESOLUTION NO. 38—Relative to Lunar New Year Celebration.

Resolution read, as amended, and adopted.

SPECIAL OBSERVANCE

Assembly Members Liu and Nakano offered remarks in observation of Chinese New Year. Assembly Member Chan then invited the Lee-Jet-Don Lion Dancers of Sacramento, to perform for the Members of the Assembly.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 773 and 510 were continued until Friday, February 15, 2002.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Mountjoy on the occasion of his birthday.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 147 (Mountjoy)—Relative to Abraham Lincoln's birthday.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 147**

Assembly Member Mountjoy was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 147.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aanestad, Alquist, Bates, Bogh, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nakano, Nation, Negrete McLeod, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel.

Request for Unanimous Consent

Assembly Member Mountjoy was granted unanimous consent to take up Assembly Concurrent Resolution No. 147, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 147, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 147—Relative to Abraham Lincoln's birthday.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Member Bill Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David Rumsey, of Orange.

Assembly Member Leonard was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of President Abraham Lincoln, of Springfield, IL.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Olizene "Ollie" Terrell, Jr., of Palos Verdes Peninsula.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joe Walton, of Fresno.

Assembly Member Simitian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walter Koop, of Redwood City.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas W. Allard, of Davis.

MOTION TO ADJOURN

At 11:46 a.m., Assembly Member Alquist moved that the Assembly do now adjourn.

Assembly Member Reyes seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:47 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

MESSAGES FROM THE SENATE

February 12, 2002

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 332 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Alquist, the Assembly adjourned until 7 a.m., Thursday, February 14, 2002, out of respect to the memory of Scott Forbes, on motion of Assembly Member Koretz; out of respect to the memory of Kathleen Green, on motion of Assembly Member Thomson; out of respect to the memory of Henry Schramm, on motion of Assembly Member Wyman; out of respect to the memory of David Rumsey, on motion of Assembly Member Bill Campbell; out of respect to the memory of President Abraham Lincoln, on motion of Assembly Member Leonard; out of respect to the memory of Olizene "Ollie" Terrell, Jr., on motion of Assembly Member Lowenthal; out of respect to the memory of Joe Walton, on motion of Assembly Member Reyes; out of respect to the memory of Walter Koop, on motion of Assembly Member Simitian; and out of respect to the memory of Thomas W. Allard, on motion of Assembly Member Thomson.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 12, 2002**

The following measures were amended in the Assembly on this day:

SB	RN
----	----

167	0204015
-----	---------

230	0203333
-----	---------

Daily Total:	2
---------------------	----------

Cumulative Total:	3436
--------------------------	-------------

O